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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

Rafael GASPAR-Alvarado,

Defendant

Magistrate Docket No.

'08 MJ 0808

COMPLAINT FOR VIOLATION OF:

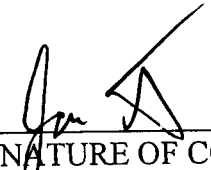
Title 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States

9/16

The undersigned complainant, being duly sworn, states:

On or about **March 12, 2008** within the Southern District of California, defendant, **Rafael GASPAR-Alvarado**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT  
James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 14th DAY OF MARCH, 2008.

  
Anthony J. Battaglia  
UNITED STATES MAGISTRATE JUDGE



**CONTINUATION OF COMPLAINT:**  
**Rafael GASPAR-Alvarado**

**PROBABLE CAUSE STATEMENT**

On March 12, 2008, Supervisory Border Patrol Agent L. Miele and Border Patrol Agent P. Padilla were conducting intelligence gathering duties in the Campo Border Patrol Station area of responsibility. Both agents were in plainclothes and operating an unmarked Agency vehicle. At approximately 4:00 PM, the agents parked on the shoulder of the westbound lanes of Interstate 8 and headed north into the brush approximately one mile west of Crestwood Road. Campo agents have made several recent arrests of illegal aliens who have been found hiding in staging areas. The agents observed that the smuggling traffic moving into this area was following a predictable route to get to the remote area north of the Interstate. This area is located approximately twenty miles east of the Tecate, CA Port of Entry and approximately twelve miles north of the United States/Mexico border.

Agent Miele observed fresh footprints for a group of approximately ten suspected illegal aliens leading west along a trail. The agents were following the footprints in a northerly direction when Agent Miele suddenly observed a single male climb onto a boulder approximately twenty yards to his northeast. Agent Miele contacted Border Patrol Dispatch and requested air support. The Air and Marine Operations helicopter arrived in the area to assist. The Agents were quickly guided directly to the group's location under a bush approximately fifty yards away by the helicopter pilot. Agent Miele and Agent Padilla approached the area and identified themselves as Border Patrol Agents by displaying their issued Agency badges. They then proceeded to conduct an immigration inspection. All ten subjects, including one later identified as the defendant, **Rafael GASPAR- Alvarado**, admitted to being citizens of Mexico without any immigration documents to be in or remain in the United States legally. All ten were arrested and transported to Campo Station for processing.

Routine record checks of the defendant revealed an immigration history. The defendant's record was determined by a comparison of his immigration record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on **March 29, 2007** through **Nogales, Arizona**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States.